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Francis P. Xavier  
Name

65985

Prison Number

Spring Creek Correctional Center

Place of confinement

P.O. Box 5001

Mailing address

Seward, Alaska

City, State, Zip

N/A

Telephone

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Francis P. Xavier,  
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Ardyce Turner,  
Office of Children Services,  
Department of Health & Social Services,  
PO Box 000000,  
(Enter full names of defendant(s) in this action.  
Do NOT use et al.)

Defendant(s).

Case No. 3:12-cv-00198-SLG  
(To be supplied by Court)

PRISONER'S  
COMPLAINT UNDER  
THE CIVIL RIGHTS ACT  
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Francis P. Xavier,  
(print your name)  
who presently resides at Spring Creek Correctional Center,  
Seward AK 99664, were  
(mailing address or place of confinement)  
violated by the actions of the below named individual(s).



Claim 1: On or about September 16, 2012, my civil right to due process  
(Date) (Medical care, access to the courts, due process,

**Supporting Facts:** (Briefly describe **facts** you consider important to Claim 1. State what happened briefly and clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 1.)

The other two boys' who are redacted Laure  
and redacted ader were not denied for  
Parental Rights.

The Office of Children Services Ardyce Turner has consented to have <sup>redacted</sup> ~~care &~~ <sup>redacted</sup> ~~was~~ to be medicated for ~~op~~ mind alteration medications to control their health by giving them mind alteration medications. I have requested a teleconference calls with my children, and the calls have been denied or not responding to my communications with my children, and this has been a problem with O.C.S. not having communications with my children.

Claim 2: On or about 9/2002, my civil right to Due Process Rights  
(Date) (Medical care, access to the courts, due process,

freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

**Supporting Facts:** (Briefly describe **facts** you consider important to Claim 2. State what happened briefly and clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 2.)

The office of children services Ardyce Turner has violated the Sixth, and Fourteenth Amendment Constitution Rights for my two boys rights, when they have a right to be represented by an attorney, before any medications are prescribed to the two boys, and there has been no communications with me in regards to consent of medications to my two children. There has been no visits with my two children and my three children have been denied visitation with me. The children have not been with Indian family members.

Claim 3: On or about 9/2012, my civil right to due process  
(Date) (Medical care, access to the courts, due process,

freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

**Supporting Facts:** (Briefly describe **facts** you consider important to Claim 3. State what happened briefly and clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 3.)

The Office of Children Services have denied me ~~parental~~ visitation rights with my children, and this has been a problem in the past. The judge has informed The Office of Children Services, why I haven't been getting visitation or communications with my children. I should not be denied parental rights with my other 3 children, if my two children were not denied. I am asking that my other 3 children should not be denied for parental rights with visitation and communications.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. Previous Lawsuits**

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? \_\_\_\_\_ Yes ☒ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

\_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Lawsuit 2:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

\_\_\_\_\_ Yes ☒ No If your answer is "Yes," describe each lawsuit.

**Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:**

a. Defendant(s): \_\_\_\_\_

b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_

c. The case was dismissed as: \_\_\_\_\_ frivolous, \_\_\_\_\_ malicious and/or \_\_\_\_\_ failed to state a claim

d. Issue(s) raised: \_\_\_\_\_

e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:**

a. Defendant(s): \_\_\_\_\_

b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_

c. The case was dismissed as: \_\_\_\_\_ frivolous, \_\_\_\_\_ malicious and/or \_\_\_\_\_ failed to state a claim

d. Issue(s) raised: \_\_\_\_\_  
\_\_\_\_\_

e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

**Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:**

a. Defendant(s): \_\_\_\_\_

b. Name of federal court \_\_\_\_\_ Case number: \_\_\_\_\_

c. The case was dismissed as: \_\_\_\_\_ frivolous, \_\_\_\_\_ malicious and/or \_\_\_\_\_ failed to state a claim

d. Issue(s) raised: \_\_\_\_\_  
\_\_\_\_\_

e. Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

4. Are you in imminent danger of serious physical injury? ☒ Yes \_\_\_\_\_ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority:

*No parental rights for communication with  
the other 3 children no communication  
and teleconference communication with children.*

**F. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ *1 million dollars*
2. Punitive damages in the amount of \$ *1 million dollars*
3. An order requiring defendant(s) to *Have parental Rights with the other 3 children.*



4. A declaration that Defendants have violated plaintiff's rights  
to be free from parental rights, and no communication  
with Theodore, Margaret, & Nanci Xavier.

5. Other: \_\_\_\_\_

Plaintiff demands a trial by jury. X Yes \_\_\_\_\_ No

#### DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Spring Creek Correctional Center  
P.O. Box 5001  
Sevierville, TN 37864 on 9/16/12  
(Location) (Date)

Francis P. Xavier  
(Plaintiff's Signature)

\_\_\_\_\_  
Original Signature of Attorney (if any)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Attorney's Address and Telephone Number

Francis P. Xavier 65985  
Spring Creek Corner Home / Center  
P.O. Box 5001  
Tomball TX 77668

United States District Court  
Clerk of Courts  
222 W. 7th Avenue, #4  
Tomball TX 77668



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